

## CHAPTER X

### OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

**172. Absconding to avoid service of summons or other proceeding.-** Whoever absconds in order to avoid being served with a summons, notice or order, proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the summons or notice or order is to attend in person or by agent, or to [produce a document or an electronic record in a Court of justice], with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

#### *CLASSIFICATION OF OFFENCE*

**Para I.** Punishment- Simple imprisonment for 1 months, or fine of 500 rupees or both- Cognizable-Bailable-Triable by any Magistrate - Non-compoundable.

**Para II.** Punishment-Simple imprisonment for 6 months, or fine of 1000 rupees or both- Non-cognizable-Bailable-Triable by any Magistrate - Non-compoundable.

**173. Preventing service of summons or other proceeding or preventing publication thereof .-** Whoever in any manner intentionally prevents the serving on himself, or on any other person, or any summons, notice or order, proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order,

or intentionally prevents the lawful affixing to any place such summons, notice or order,

or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed,

or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made.

Shall be punished with simple imprisonment for a term which may extend to one month , or with fine which may extend to five hundred rupees, or with fine which may extend to five hundred rupees , or with both;

Or , if the summons, notice, order or proclamation is to be produced or delivered up to a Court of justice , with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees , or with both.

### **CLASSIFICATION OF OFFENCE**

**Para I.** Punishment- Simple imprisonment for 1 month, or fine of 500 rupees, or both- Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**Para II.** Punishment- Simple imprisonment for 6 month, or fine of 1, rupees, or both- Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**174. Non-attendance in obedience to an order from public servant.-** Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same,

intentionally omits to attend at that place of time , or departs from the place where he is bound to attend before the time at which it is lawful for him to depart.

Shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Or, if summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both,

## Illustrations

- (a) A, being legally bound to appear before the <sup>2</sup>[High Court at Calcutta in obedience to a subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.
- (b) A, being legally bound to appear before a <sup>3</sup>[District judge], as a witness, in obedience to a summons issued by that <sup>3</sup>[District judge] intentionally omits to appear. A has committed the offence defined in this section.

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- 1. 1. Subs. by the information Technology Act 2000, sec. 91 and Sch. I, for –produce a document in a court of justice.
  - 2. 2. Subs. by the A.O 1950, for –Supreme Court.
  - 3. Subs. by the A.O. 1950, for –Zila judge.

## CLASSIFICATION OF OFFENCE

**Para I.** Punishment- Simple imprisonment for 1 month, or fine of 500 rupees, or both- Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**Para II.** Punishment- Simple imprisonment for 6 month, or fine of 1,000 rupees, or both- Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**175. Omission to produce to public servant by person legally bound to produce it.-**Whoever, being legally bound to produce or deliver up any <sup>1</sup>[document or electronic record] of any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both,

or, if <sup>1</sup>[document or electronic record] is to be produced or delivered up to a court of justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

### Illustration

A, being legally bound to produce a document before a <sup>2</sup>[District Court], intentionally omits to produce the same. A has committed the offence defined in this section.

### CLASSIFICATION OF OFFENCE

**Para I.** Punishment- Simple imprisonment for 1 month, or fine of 500 rupees, or both-Non-cognizable –Bailable-Triable by and Magistrate –Non-compoundable.

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1. 1. Subs. by the information Technology Act 2000, sec. 91 and Sch. I, for — document I.
  2. 2. Subs. by the A.O 1950, for —Zila Court II.
  3. 3. Subs. by the A.O. 22 of 1939, sec. 2.

**Para II.** Punishment- Simple imprisonment for 6 month, or fine of 1,000 rupees, or both-Non-cognizable –Bailable-Triable by and Magistrate –Non-compoundable.

**177. Furnishing false information.-** Whoever, being legally bound to furnish information on any subject to any public servant, as furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Or, if the information, which of the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

### Illustrations

- (a) A, a landholder, knowing of the commission of a murder within the limits of his estate, willfully misinforms the magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.
- (b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound under clause, 5 section VII, <sup>1</sup>[Regulation III, 1821], of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest police station, willfully misinforms the police officer that a body of suspicious character passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the later part of this section.

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1. Rep. by Act 17 of 1862.

<sup>2</sup>[Plantation .- In section 176 and in this section the word —offence. Includes any act committed at any place out of <sup>3</sup>[India], which if committed in <sup>3</sup>[India], would be punished under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 42, 435, 436, 449, 450, 457, 458, 459, and 460; and the word — offender includes any person who is alleged to have been guilty of any such act.]

### CLASSIFICATION OF OFFENCE

**Para I.** Punishment- Imprisonment for 6 month, or fine of 1,000 rupees, or both-Non-cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**Para II.** Punishment- Simple imprisonment for 2 years, or fine, or both-Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

### 178. Refusing oath or affirmation when duly required by public servant to make it.-

Whoever refuses to bind himself by an oath <sup>1</sup>[or affirmation] to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with fine which may extend to one thousand rupees, or with both.

Punishment- Simple imprisonment for 6 month, or fine of 1,000 rupees, or both-Non-cognizable –Bailable-Triable by the court in which the offence is committed, subject to the provisions of Chapter XXVI; if not committed in a court, any Magistrate –Non-compoundable.

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2. Added by Act 3 of 1894.

3. The words —British India –have successively been subs . by the A.O. 1950 and Act 3 of 1951. 3 and Sch. to read as above.

**179. Refusing to answer public servant authorised to question.-** Whoever , being legally bound to state the truth on any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant , shall be punished with simple imprisonment for a term which may extend to six months , or with fine which may extend to one thousand rupees, or with both.

### **CLASSIFICATION OF OFFENCE**

Punishment- Simple imprisonment for 6 month, or fine of 1,000 rupees, or both-Non-cognizable –Bailable-Triable by the court in which the offence is committed, subject to the provisions of Chapter XXVI; if not committed in a court, any Magistrate –Non-compoundable.

**180. Refusing to sign statement.-** Whoever refuse to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement , shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

## CLASSIFICATION OF OFFENCE

Punishment- Simple imprisonment for 3 month, or fine of 500 rupees, or both-Non-cognizable –Bailable-Triable by the court in which the offence is committed, subject to the provisions of Chapter XXVI; if not committed in a court, any Magistrate –Non-compoundable.

**181. False statement on or affirmation to public servant or person authorised to administer an oath or affirmation.-** Whoever, being legally bound by an oath [or affirmation] to state the truth on any subject to any public servant or other servant or other person as aforesaid, touching the subject, any believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and also be liable to fine.

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1. 1. Ins. by Act 10 of 1873, sec. 15.

## CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 3 years and fine -Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**2[ 182. False information, with intent to cause public servant to use his lawful power to the injury of another person.-** Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant-

- (a) to do or omit anything which such public servant ought not to do or omit of the true state of facts respecting which such information is given were known by him, or
- (b) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six month , or with fine which may extend to one thousand rupees , or with both.

### **Illustrations**

- (a) A informs a Magistrate that Z, a police- officer , subordinate to such Magistrate has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

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2. Subs. by Act 3 of 1895,sec. 1, for the original section

- (b) A falsely informs a public servant that Z has contraband salt in a secret place knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.
- (c) A falsely informs a policeman that he has been assaulted and robbed in the neighborhood of a particular village. He does not mention the name of any person as one of his assistants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villages or some of them. A has committed an offence under this section.]



## CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 6 month, or fine of 1,000 rupees, or both-Non- cognizable –  
Bailable- Triable by and Magistrate –Non- compoundable.

### **183. Resistance to the taking of property by the lawful authority of a public servant.-**

Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant ,as such , shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred rupees , or with both.

## CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 1month, or fine of 500 rupees, or both-Non-  
cognizable – Bailable-Triable by and Magistrate –Non- compoundable.

**185. Illegal purchase or bid for property offered for sale by authority of public servant.-** Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other , whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding , shall be punished with imprisonment of either description for a term which may extend to one month, or with which may extend to two hundred rupees, or with both.

## CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 3 month, or fine of 200 rupees, or both-Non-  
cognizable – Bailable-Triable by and Magistrate –Non- compoundable.

**186. Obstructing public servant in discharge functions.** Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both;

## CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 3month, or fine of 500 rupees, or both-Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable

**187. Omission to assist public servant when bound by law to give assistance.-** Whoever, being bound by law to render or furnish assistance to ant public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both;

and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of justice , or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months , or with fine which may extend to five hundred rupees, or with both .

## CLASSIFICATION OF OFFENCE

**Para I.** Punishment-Simple imprisonment for 1 month, or fine of 200 rupees, or both- Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**Para II.** Punishment- Simple imprisonment for 6 years, or fine of 500, or both-Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**188. Disobedience to order duly promulgated by public servant.-** Whoever, knowing that , by an order promulgated by an order promulgated by a public servant lawfully whoever , knowing that, by an order

promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,

shall, if such disobedience cause to tender to cause obstruction, annoyance or injury, or risk or obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to one

month or with fine which may extend to two hundred rupees, or with both;

and if such disobedience cause or trends to cause dangers to human life, health or safety, or cause or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

*Explanation.-* It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce,

#### **Illustration**

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger or riot. A has committed the offence defined in this section.

#### **CLASSIFICATION OF OFFENCE**

**Para I.** Punishment-Simple imprisonment for 1 month, or fine of 200 rupees, or both- Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**Para II.** Punishment- Simple imprisonment for 6 months , or fine of 1,000, or both- Non- cognizable –Bailable-Triable by and Magistrate –Non- compoundable.

**189. Threat of injury to public servant.-** Whoever holds out any threat of injury to any public servant , or to any person in whom he believes that public servant to be interested, for the purpose of inducing that exercise of the public functions of such public servant , shall be punished with imprisonment of either description for a term which may extend to two year, or with fine, or with both.

#### **CLASSIFICATION OF OFFENCE**

Punishment-Imprisonment for 2 years, or fine, or of 200 rupees, or both-Non- cognizable  
–Bailable-Triable by and Magistrate –Non- compoundable.

## STATE AMENDMENTS

### **Andhra Pradesh:**

In Andhra Pradesh offence under section 198 is cognizable.

[Vide A.P.G.O MS.No 732, dated 15-12-1991].

**190. Threat of injury to induce person to refrain from applying for protection to public servant.-** Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to give such protection , or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one, or with fine, or with both, of either description for a term which may extend to one year, or with fine, or with both.

## CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 1 years, or fine, or both-Non- cognizable –Bailable-  
Triable by and Magistrate –Non- compoundable.